IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Petr Dobrovolny

Title:

METHOD OF

MANUFACTURING OF 7-

ETHYL-10-

HYDROXYCAMPTOTHECIN

Appl. No.:

10/582,650

International

12/14/2004

Filing Date:

371(c) Date: 6/13/06

Examiner:

Charanjit Aulakh

Art Unit:

1625

Confirmation 1526

Number:

DECLARATION OF PETR DOBROVOLNY UNDER 37 C.F.R. §1.131

Dear Examiner Aulakh:

I, PETR DOBROVOLNY state and declare that:

- I am the inventor of the invention recited in claims 23-37 of the patent 1. application identified above. I made my invention while working in the Czech Republic.
- Exhibit A is a copy of pages 72, 84, 88 and 89 from my research notebook, 2. No. 768. My notebook entries on these pages are written in Czech. Exhibit B is an English translation of the four notebook pages. I have reviewed the translation and find that it accurately represents the content of my notebook entries. The pages describe the preparation of 7-ethyl-1,2,6,7-tetrahydrocamptothecin and 7-ethyl-10-hydroxycamptothecin according to methods that

are now the subject of claims 23-37. Exhibit C (C1-C4) shows HPLC Chromatograms for the compounds I synthesized, which are described by the notebook pages of Exhibit A.

- ethyl-camptothecin to provide 7-ethyl-1,2,6,7-tetrahydrocamptothecin. In the procedure, the equipment and amounts of reactant used were the same as that listed on pages 72 and 84, respectively, of the same notebook (also shown in Exhibit A). I used 5% platinum on carbon (0.022 equivalents of Pt with respect to starting material) in acetic acid (989 equivalents) and in the presence of a small amount of dimethylsulfoxide (0.28 equivalents). The hydrogenation was carried out with stirring (900 rpm) under hydrogen at a pressure of 5 atmospheres, at 65 °C for 43.5 hours. After the reaction was terminated, the catalyst was filtered off and washed with 10 ml acetic acid (141 equivalents), and the combined acetic acid solution used in the oxidation described on page 89 of my notebook. I submitted a sample of the hydrogenation product for analysis by high pressure liquid chromatography (HPLC). The resulting chromatogram of the hydrogenation product is shown in Exhibit C1. The product was compared to a reference standard and identified as 7-ethyl-1,2,6,7-tetrahydrocamptothecin, present as three diastereomers.
- 4. Page 89 of my notebook describes the procedure I used to oxidize 7-ethyl-1,2,6,7-tetrahydrocamptothecin to provide 7-ethyl-10-hydroxycamptothecin. The acetic acid solution (80 ml AcOH, 1130 equivalents) of 7-ethyl-1,2,6,7-tetrahydrocamptothecin from the hydrogenation described on page 88 was combined with 22 mL of water (983 equivalents) and iodobenzene diaceate (1.89 equivalents). The mixture was stirred for 15 minutes, concentrated, the residue mixed with acetonitrile and filtered. I submitted three samples from this experiment for HPLC analysis: oxidation reaction solution, the crystalline product and mother liquor. The resulting chromatograms of the samples are shown in Exhibits C2, C3, and C4, respectively. The crystalline product was identified as 7-ethyl-10-hydroxycamptothecin by comparison to a reference sample.
- 5. Although the dates of my notebook pages are redacted, the notebook pages are dated prior to May 12, 2003 and after the year 1995. In addition, the HPLC analysis shown in

Exhibit C were run prior to May 12, 2003 and after the year 1995. Collectively, Exhibits A, B and C show that I reduced to practice and invented the subject matter of claims 23-37 prior to May 12, 2003.

6. I hereby acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above-referenced application or any patent issuing thereon. All statements made of declarant's own knowledge are true and all statements made on information and belief are believed to be true.

Petr Dobrovolny

11.4.2008 Date

EXHIBIT A

WIDICKENACE F-18-97

Naisela: 0,5 g 7- Et-CPT (768-65-1) 0,32g 5% P4/C (5.05002 P1) 0,025 ml DMSO (5.432316/1) 70 me C43 COOH (5.20810)

Aponstons Cith konory sutoklavele, N2, 1/2, kadinha, va'zenhe, belm va'Ec, milnoppeta, veliousita s bullmirkon,

 \mathcal{H}

Postup: De hadenby sem warstile 7-67 CPT, do wienty PH/C a poli pordele de hódensky. Zolila Esisti Chy Coch a dole de UZ z homogennevot Poli pem pridale 2000, Pronichale a pravedor de autoblavlen, a bythe splachla 2 bylon CH3 COOH. who light obside 500 of Junia Au tolilar se z homple toval proplach N'2 (3x), H2 (3x) a pou se pustil Hz. Otochej unichoimi et zujoi leg na 1000 of

Hydrogenece escala v 10° hod pri 50°C, v 10.40 hord 62°C, v 10°2 hod 64,2°C.

Hak 5 stm. Hz, michaini 1000 ot/ma, +=63-650

Teploto d'hy pustène che vode ubarije o 2°C mene, takie el ve 1248 h nasbuila + ne 67°C. Ve 125Th += 64,9°C.

Zaskarena hydroghace. Filhorama a promyto. Nym + ledmici.

vorpuitano. V Ledmei ztuble, teplon vaden 768-72-1 Odehan work use HPLC (loul): Nous 80 ml # 2-EX-THORT

HYDROGENACE 7-EX-CPT

Nassada: 0,5 g 7-E7-CPT (768-65-A)

0,32 g 5% P+1C (5.05002 P1)

0,025 ml DMSO (3.4323.16/1)

70 mi Cb COCH (5.20 810)

Aparatura VIZ Str 72

Postup: De widerly se users? C 7-E7-CPT, de wormly

Pt/E a pok se pridel h 7-E7-CPT. Zolle

se 1/2 callového innovitu Ch cook a 2 homogenizoiste

VUZ * Prelilo do ontokéric a spochlo 2 hythem oc
toring. Approtuirse usurele.

* pridal se DHSi

Proplacion & V2 a 42.

Hydrogenice spistena i 84th.
Plichain 9000 04/min, plak 5 arm &
Vyhrato na 65°C i 950 hod.

V 910 hoer = 61, 2°C

Konec hydrogenace v 900 hod. Hydrogenouses 24 hod.

168-84-1) N=124 mf 7-E7-THCPT. V2006 HPLC: 64,94% 7-Ex-THCPT; 7,879.7-Ex-THCPT; 7,87

Rosting V 11 40h Walito do 3 hvdle bantly (250ml), pridato se 35 ml
Odernindy a dárhuje se 18DA: (Midro se pri 600 of funia)

1. 0,613 g v 11 42h finare o ranzove po 1/2 lad

2. 0, 15 g v 12 12h po 50 unia

3. 0, 13 g v 12 56h az hnod po 30 min

4. 0, 04 g v 1327h finare e en eno linede

HOROGENACE 7-ET-CPT

Nassada: viz str. 84

Apartico Vic str. 72

Pestep. De hadenbeg pen roest, la 7 17-CPT a pridala 94/C. Police Coth Checch.
A a homagenizonia va UC. Pridada Disc in po promehom valida do antoklam y placka.
Antohom la roca. Antohom se usomel, primis.
Se michani, minimani a profichio Mga 15.

Hydrogenace 2202le v 1325 md.

lylisto un 65°C ve 1400 hos

Michigan 700 of June, Hak = John Hz, toplate 6 . C.

Konec lightsgenerer v 930 hod bydrogenerale pri 65°C 43,5 hod

768-88-11 N=180 mel 7-152-THEPT. HOLC (3001):65,8067-Et-THOT. 8234 Sielle Furt prifilmer produce na Inovertidate.

Intolation Dobrardy

FRITZAVA SN-18 2 F-EX-THORY Nassale: 80 ml 7-Et-THCPT (768-88-1) 22 me denivodes 0,77 g 18DA (\$ 417379/1) 20 me Acetrontial Aparatus: Ahrdla' ITOME bante Buchi, & VO, elmag michache, odm valee, vaiente, buchnicha s ods s'eser zkumer kon. 1947, BDA a lined estelle 7-E7-THEPT Bond Amové thata prochéz una svelle consening don. 768-89-1 1 949 Veorel in HPLC 72,86% SN-38; 15,55% 7-Et-CPT (60°C). Michos se 15 minut Dono no DVO odport daporaje se ERVE = 16 to tel 16 hod. Duskest were to proluction. Kome a 17 rolled Na odporek nik to 10 ml sectontile pe honigini-Zovoico us UZ. Dochlerono stad with Follow a promyti sti 10 me sertonitulu.

768-19-21 N=0,2226 g SN-38. HPLC: 80,22% SN-38; 13,50% 7-E6-CTT

768-89-31 Material - HPLC (3CAC): 39,31% SN-38; 282% 7-Et-CPT

Mobiles Dobravaly

VYPOCET MNOZSTVÍ VODY DO 7-E4-THCPT:

Object 7-E7-TH(PT * 0,282 = X mi deriche

EXHIBIT B

HYDROGENATION OF 7-Et-CPT

Charge: 0.5g 7-Et-CPT (768–65–1) 0.32g 5% Pt/C (batch no. 05002 PI) 0.025 mL DMSO (batch no. 432316/1) 70 mL CH₃COOH (batch no. 20810) Equipment: 0.5L metal autoclave, N₂, H₂, a beaker, a weighing bottle, a graduated cylinder, a micropipette, büchner filter with vacuum pump Procedure: 7-Et-CPT was weighed to a beaker, Pt/C was weighed to a weighing bottle and then it was added to the beaker, it was poured with a part of CH₃COOH and homogenized on US. Then DMSO was added, stirred and transferred to an autoclave. The residues were washed with the remaining CH₃COOH. The autoclave was completed and switched on 500 rpm. The autoclave was washed with N_2 (3x) and H_2 (3x) and then H_2 was switched on. Revolutions were increased to 1000 rpm. Hydrogenation started at 10 am at 50°C, at 10:40 am - 62°C, at 10:52 am -64.2°C Pressure of $H_2 - 5$ atm, 1000 rpm, t - 63 - 65°C Thanks to the cooling water, the temperature shows 2°C less, so at 12:40 am the temperature was set to 67°C. At 12:55 am t = 64.9°C The hydrogenation was stopped at 4 pm. Filtered and washed. Now in the fridge. The suspension solidified in the fridge, it was dissolved in hot water. 768-72-1 A sample was taken for HPLC. N about 80 mL 7-Et-THCPT <page 72 ends, page 73 begins> Thickened on RVO to an oily consistence. 8 mL of MeOH was added. Crystals were released. Filtration & washing with 10 Ml of MeOH. Drying at 35°C in a drier. N = 0.2385 g 7-Et-CPT. HPLC: 94.50 7-Et-CPT 768-73-1 100% yield → 0.0505g mother liquor HPLC: (20µL): 58.69% 7-Et-THCPT 768-73-2 *Illegible signature* Legible signature - Dobrovolný

HYDROGENATION OF 7-Et-CPT

	Charge: 0.5g 7-Et-CPT (768–65–1) 0.32g 5% Pt/C (batch no. 05002 PI) 0.025 mL DMSO (batch no. 432316/1) 70 mL CH ₃ COOH (batch no. 20810)						
	Equipment: see page 72						
	Procedure: 7-Et-CPT was weighed to a beaker, Pt/C was weighed to a weighing bottle and then it was added to the beaker, it was poured with a half of the total quantity of CH ₃ COOH and homogenized on US. DMSO was added. Then it was transferred to an autoclave. The residues were washed with the remaining CH ₃ COOH. The autoclave was closed and washed with N ₂ and H ₂ .						
	Hydrogenation started at 8:47 am. 900 rpm, pressure of H ₂ – 5 atm, heated to 65°C at 9:50 am						
	At 9:10 am = 61.2°C						
	End of hydrogenation at 9:50 am. The hydrogenation lasted for 24 hours (at 65°C).						
	At 10:45 am filtration and washing with CH ₃ COOH (5 mL). Something went through, new filtration and washing were necessary (total consumption of about 40 mL of CH ₃ COOH).						
768-84-1	N=124 mL 7-Et-THCPT. Sample HPLC: 64.94% 7-Et-THCPT, 7.975 7-Et-CPT (light orange to dark yellow solution)						
	Procedure: At 11:40 am it was poured to a 250 mL 3-neck flask, 35 mL of demiwater was added and IBDA was dosed (stirred with 600 rpm)						
	1. 0.613g at 11:42 am dark orange after 30 minutes 2. 0.15g at 12:12 am dark orange after 50 minutes 3. 0.13g at 12:55 am dark orange to brown after 30 minutes 4. 0.04g at 1:27 pm dark reddish brown						

HYDROGENATION OF 7-Et-CPT

	Charge: see page 84
1	Equipment: see page 72
	Procedure: 7-Et-CPT was weighed to a beaker, Pt/C was added to the beaker, it was poured with a part of CH ₃ COOH and homogenized on US. DMSO was added. Then it was stirred and transferred to an autoclave. The residues were washed with the remaining CH ₃ COOH. The autoclave was closed, stirring and heating was switched on and it was washed with N ₂ and H ₂ .
	Hydrogenation started at 1:25 pm. 900 rpm, pressure of H ₂ – 5 atm, heated to 65°C at 2:00 pm
	End of hydrogenation at 9:30 am. The hydrogenation lasted for 43.5 hours (at 65°C).
	Cooled to 25°C. Filtration and washing with CH ₃ COOH
768-88-1	N=80 mL 7-Et-THCPT. HPLC (30μL): 65.80% 7-Et-THCPT 8.23% 7-Et-CPT The light yellow solution at the filtration turns to a dark yellow solution.
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	Legible signature - Dobrovolný

PREPARATION OF SN-38 FROM 7-ET-THCPT

<u>Charge</u>: 80 mL 7-Et-THCPT (768-88-1) 22 mL demiwater 0.77g IBDA (batch no. 417379/1)

20 mL acetonitrile

Equipment: a 250-mL 1-neck Büchi beaker, RVO, an elmag. stirrer, a graduated cylinder, a weighing bottle, a büchner filter with vacuum pump

<u>Procedure</u>: Demiwater was poured to a flask, IBDA was added and it was poured with 7-Et-THCPT immediately. The dark yellow color turns to light reddish brown.

768-89-1 (60°C) RVO=1Hr At 9:49 am a sample was taken for HPLC: 72.86% SN-38, 15.55% 7-Et-CPT Stirred for 15 min. Then evaporation on RVO till 10:00 am. End at 11:10 am. 10 mL of acetonitrile poured on the evaporation residue, homogenized on US. Cooled with cold water. Filtration and washing with about 10 mL of acetonitrile.

768-89-2 100% yield $\rightarrow 0.486$ g 768-89-3

N=0.2226g SN-38. HPLC: 80.22% SN-38; 13.50% 7-Et-CPT

(45.8% yield to 7-Et-CPT)

Mother liquor HPLC (30 μ L): 39.31% SN-38; 25.82% 7-Et-CPT

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CALCULATION OF WATER QUANTITY FOR 7-ET-THCPT 7-Et-THCPT volume x 0.282 – x mL demiH₂O

EXHIBIT C

8 - 1/2

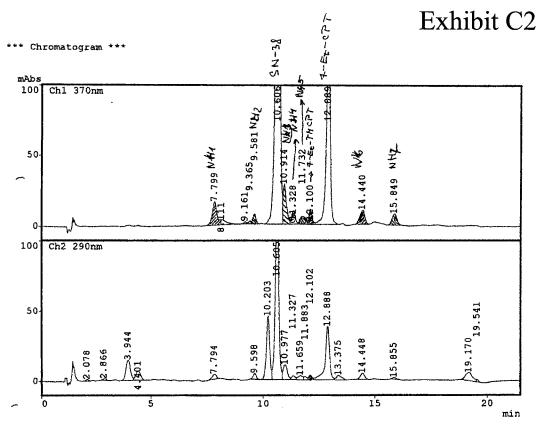
<Temporary>

2691287 100.0000 268988

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8 - 2/2

ID : 768-89-1
Inj. Volume : 25
Type : Unknown
Detector : SPD-M10A
Operator : Buchta
Method Name : HY12.M01

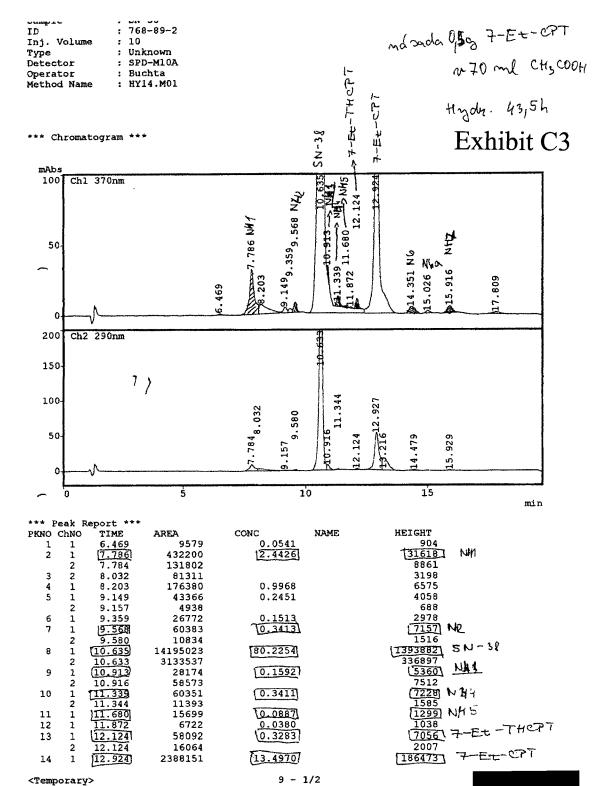


*** Peak Report ***								
PKNO Ch	OM	TIME	AREA	CONC	NAME	HEIGHT		
1	2	2.078	9358			1094		
2	2	2.866	12736			1192		
3	2	3.944	203759			14350		
4	2	4.401	100667			6579		
5	1	7.799	237360	2.2196		7162591 NH		
	2	7.794	45972	V		3580		
6	1	8.111	64349	0.6017		3603		
7	1	9.161	11592	0.1084		1492		
8	1	9.365	15867	0.1484		1840		
9	1	9.581	62022	[0.5800]		6646 N#3)		
	2	9.598	39517			4055		
10	2	10.203	459287		_	45696 SN-38		
11	1	10.606	7791901	72.8629]	10213001		
	2	10.605	1704891		_	182583 128025 N#1		
12	1	10.914	295566	2.7639	1	[20020]		
13	2	10.977	140194			10367 (9138) NH4		
14	1	11.328	96857	\0.9057	Į.	Variation :		
	2	11.327	29673			2756		
15	2	11.659	41715			2799		
16	1	11,732	96183	0.8994		(5265) NH5		
17	2	11.883	21211			2187		

<Temporary>

. 18	1 2	12.100	101379 32123	0.9480	10547] 7-Et-THCPT
19	1 2	12.889	1662846 519494	15.5494	3428 (143661) 7-Et-CPT 38394
20	2	13.375	50151		3144
21	1	14.440	143330 57551	[1.3403]	[9622] (₩6 4477
22	1 2	15.849	114677 13725	1.0724	17642NH.Z 1135
23	2	19,170	125623		5800
24	2	19.541	11300		1704
			14312873	100.0000	1401014

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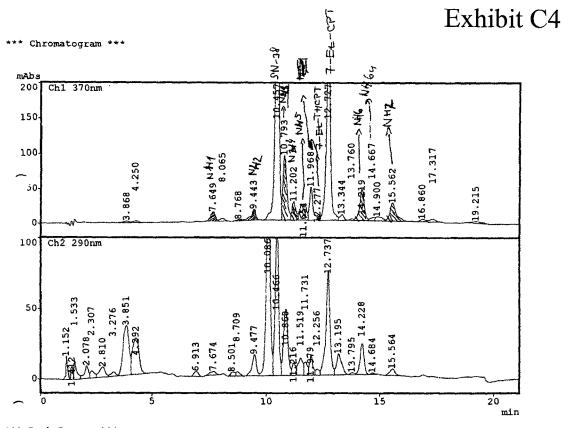
15 16 17 18 19	2 2 1 2 1 1 2 1	12.927 13.216 14.351 14.479 15.026 15.916 15.929 17.809	699268 299481 81994 22986 17401 70242 13901 23403	0.4634 0.0983 0.3970 0.1323	53199 17251 14893 NK6 1413 NH6a 1597 NH6 1923 NH2 1104 1276
			22178019	100.0000	2103543

<Temporary>

9 - 2/2

CLASS-LC10 Ver.=1.64A SYS=1 REPORT.NO=10 DATA=HY15.K01 03/04/04 12:18:09 Vial # : 11 Sample : SN-38-filtrát ID : 768-89-3 Inj. Volume : 35

Type Detector : Unknown : SPD-M10A : Buchta Operator Method Name : HY15.M01



***	Peak R	leport ***				
PKNO	ChNO	TIME	AREA	CONC	NAME	Height
1	2	1.152	89088			16787
2	2	1.412	58743			9019
3	2	1.533	110664			13153
4	2	2.078	114356			8950
5	2	2.307	71341			5141
6	2	2.810	132876			7000
7	2	3.276	42249			3022
8	1	3.868	36847	0.2748		2222
	2	3.851	658300			35348
9	1	4.250	42287	0.3154		2309
10	2	4.292	521477			25944
11	2	6.913	47289			3508
12	1	7.649	192377	1.4348		13300 NA
13	2	7.674	47005			2696
14	1	8,065	60921	0.4544		4274
15	2	8.501	35963			2624
16	2	8.709	30255			2885
17	1	8.768	37335	0.2785		1887
18	1	9.443	227410	1.6961		[15694] NA)
19	2	9.477	210773			15100
20	2	10.086	1934972			174271

						_
	21	1	(10.457	5270514	[39.3098]	M90915 SN-38
		2	10.466	1151863	<u> </u>	109897
	22	1	10.793)	1101620	8.2164)	1922341 NJ#1
	23	2	10.868	643056		47453
	24	1	111.202	321031	72.3944	(26508) N#4
		2	11.216	96591		8851
	25	2	11.519	180752		12164
	26	1	111.654	462099	[3.4465]	22140 NHS
	27	2	11.731	102865		9400
	28	1	711.968	494503	[3.6882]	(47816) MCM
		2	11.979	141488		13985
	29	2	12.256	51904		
	30	1	12.277	47916	0.3574	1608017-E-17071
	31	1	12.727	3462306	125.8234	12838371 7-E-4-CPT
		2	12.737	978650		74416
	32	2	13.195	242877		15130
	33	1	13,344	102000	0.7608	7981
	34	1	13.760	27968	0.2086	2282
	35	2	13.795	20045		1626
	36	1	14.219	627090	4.67717	(45020) NH6
		2	14.228	273081		21953
	37	1	<u>1</u> 4.667	61565	0.4592	4472 NH 6a
		2	14.684	11515	Manager Application of the Control o	1224
	38	1	14.900	122053	0.9103	5738
	39	1	15.562	494479	(3.6880)	(2598I) NH2
		2	15.564	73277		4520
	٥٤	1	16.860	59809	0.4461	3599
	41	1	17.317	78253	0.5836	4139
	42	1	19.215	77255	0.5762	2634
•			~	21480951	100.0000	1761376
						3.010,0

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10 - 2/2